

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION**

**UNITED STATES OF AMERICA**

**VS.**

**4:19-CR-00659-01-JM**

**MANUEL CAZARES**

**ORDER**

Defendant's Motion to Reduce Sentence (Doc. No. 37) is DENIED.

Amendment 821 does not apply to Defendant's case. Although he had zero criminal history points, he possessed a firearm during the offense.<sup>1</sup> Additionally, his sentence was based on the statutory, mandatory minimum of 120 months, not the Guidelines.

Finally, Defendant's plea agreement provides that he "waives the right to have the sentence modified pursuant to Title 18, United States Code, Section 3582(c)(2) . . . ."<sup>2</sup> Because Defendant knowingly and voluntarily entered into his plea agreement, including this waiver, he is not entitled to relief.<sup>3</sup>

IT IS SO ORDERED this 15th day of April, 2024.

  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup> See United States Sentencing Guidelines § 4C1.1(a)(7).

<sup>2</sup> Doc. No. 26.

<sup>3</sup> *United States v. Cowan*, 781 F. App'x 571 (8th Cir. 2019) (affirming dismissal of a § 3582 (c)(2) motion when the record establish that the defendant knowingly and voluntarily entered the plea agreement).